

GvM

UNITED STATES DISCTRICK COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 29 AM 9:22

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
 Ezequiel LOPEZ-Martinez)
 AKA: Juan Daniel RUBIO)
 Defendant.)

Magistrate Case No. '08 MJ 1333COMPLAINT FOR VIOLATION OFyrd
DEPUTYTitle 18, U.S.C., Section 1544
Misuse of Passport

The undersigned complainant being duly sworn states:

On or about **April 28, 2008**, within the Southern District of California, defendant **Ezequiel LOPEZ-Martinez AKA: Juan Daniel RUBIO** did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting Official U.S. passport number 424369282, issued to Juan Daniel Rubio to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Juan Daniel Rubio, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF APRIL
2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 28, 2008, at approximately 7:20 AM, **Ezequiel LOPEZ-Martinez AKA: Juan Daniel RUBIO (Defendant)** applied for admission into the United States through the Otay Mesa Port of Entry pedestrian lanes. Defendant presented a United States passport bearing the name Juan Daniel Rubio as his entry document to a U. S. Customs and Border Protection (CBP) Officer. The CBP Officer suspected Defendant was not the lawful owner of the United States passport presented and escorted Defendant to secondary for further inspection.

During secondary inspection, CBP Officers confirmed Defendant was not the lawful owner of the document presented. Defendant was searched by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendant's identity and linking him to Immigration Service and FBI records.

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico without legal rights or documents to enter the United States. Defendant admitted willfully and knowingly using a United States passport designated for the use of another person to gain admission into the United States. Defendant stated he obtained the U.S. passport from a male individual in Tijuana, Mexico for the purpose of attempting illegal entry into the United States. Defendant stated he was going to pay \$1,500.00 USD for the use of the United States passport. Defendant stated he was going to Los Angeles, California to seek employment and residence.